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 CITY OF SOLEDAD, OFFICER JENNIFER SUE PARTON,
 and OFFICER THOMAS MARCHESE

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

)	Case No. C-07-00641 JF
EMILO CHAVEZ, an individual, and)	
MERCED CHAVEZ, an individual,)	STIPULATION TO CONTINUE TRIAL
)	DATE AND JOINT REQUEST FOR
Plaintiffs,)	CONTINUANCE;
)	PROPOSED ORDER
vs.)	
)	Trial Date: June 13, 2008
)	
CITY OF SOLEDAD, a municipal)	
corporation; OFFICER JENNIFER SUE)	
PARTON, an individual; OFFICER)	
THOMAS MARCHESE, an individual; and)	
DOES 1 through 50, inclusive)	
)	
Defendants)	
)	

Plaintiffs, EMILIO CHAVEZ and MERCED CHAVEZ and Defendants, CITY OF SOLEDAD, THOMAS MARCHESE and JENNIFER PARTON hereby stipulate to a continuance of the trial date for the following reasons.

Defendants notified Plaintiffs' counsel that Defendants intended to file a motion for summary judgment or summary adjudication based on the *Heck* Doctrine because Plaintiff had pled guilty or no contest to a criminal offense which would affect Plaintiffs' claims in this litigation. Prior to the filing of the summary judgment motion, Plaintiffs' counsel informed Defendants that Plaintiff EMILIO CHAVEZ was filing a motion to vacate and set aside his plea

1 in the Monterey County Superior Court, so Defendants did not file the motion for summary
 2 judgment. On or about April 1, 2008, Plaintiff filed his motion to vacate the judgment in the
 3 Monterey County Criminal Courts, which hearing is set for April 30, 2008. The Monterey
 4 County District Attorney's Office intends to object to the motion to set aside the plea and
 5 Defendants in this case intend to appear and object.

6 If the judgment and plea is set aside, it is the understanding of Defendants at this time
 7 that the Monterey County District Attorney's Office will continue with prosecution of
 8 Mr. CHAVEZ, which will not be concluded by the currently set trial date of June 13, 2008.
 9 Even if the Superior Court of Monterey County does not set aside the plea, the hearing on the
 10 motion and any potential appeal by Mr. CHAVEZ of the Court's order will affect scheduling and
 11 pre-trial preparation.

12 Therefore, the parties hereby STIPULATE to continue the trial in this matter until Friday,
 13 November 7, 2008, or on a date in that time frame convenient for the Court. The parties further
 14 stipulate that, depending on the outcome of the Plaintiff's Motion to Vacate and Set Aside his
 15 plea, Defendants may bring a motion for summary judgment to be heard no later than 30 days
 16 before the trial in this matter.

17 Dated: April 16, 2008

18 LAW OFFICES OF VINCENT P. HURLEY
 19 A Professional Corporation

20 By: /s/ Vincent P. Hurley
 21 VINCENT P. HURLEY
 22 Attorneys for Defendants CITY OF SOLEDAD,
 OFFICER JENNIFER SUE PARTON, and
 OFFICER THOMAS MARCHESE

23 Dated: April 16, 2008


24 SCHAUMAN & HUBINS

25 By: /s/ William Schauman
 26 WILLIAM SCHAUMAN
 27 Attorneys for Plaintiffs EMILO CHAVEZ and
 28 MERCED CHAVEZ

ORDER

Based on the stipulation of the parties, the Court hereby VACATES the trial date of June 13, 2008. Trial in this matter is set for November 7, 2008. Defendants may bring any dispositive motions no later than 30 days before the date set for trial. Pretrial Conference is scheduled for Oct. 24, 2008.

Dated: 4/17/08



The Honorable Jeremy Fogel
United States District Court Judge